

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 15, 2001**

## DIVISION TWO

B132511 People (Not for Publication)  
v.  
Giovanni Leonard

The judgment is affirmed.

Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

## DIVISION THREE

B142879 People (Not for Publication)  
v.  
McMorries

The judgment is ordered modified to delete the reference to firearm in the abstract of judgment and, as so modified, affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B138867 People (Not for Publication)  
v.  
Hanold

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                  Fidler, J., (Assigned)

DIVISION FOUR

B139356 People v. Avery (Not for Publication)  
B143994 In re Michael J. Avery on Habeas Corpus

The matter is remanded for sentencing on the Penal Code section 667.5, subdivision (b) enhancements and for redetermination of presentence custody credits. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B146752 Linda L. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services et al.,  
r.p.i.)

The petition is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

## DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B135039 People (Not for Publication)  
v.  
Salazar

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B140078      Seattle's Latte Cafe      (Not for Publication)  
v.  
The Von's Companies

The order of dismissal is reversed, the action to go forward for recovery of damages limited as defined in this opinion. Appellant is awarded its cost of appeal.

Lewin, J. (Assigned)

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FIVE

B141493      People                                  (Not for Publication)  
v.  
Dale Cornelius Freeman

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B143650      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Matilde R. et al.  
In re Cindy Z et al

The order terminating parental rights is affirmed.

Turner, P.J.

We concur:   Armstrong, J.  
                      Willhite, J. (Assigned)

B139630      People                                  (Not for Publication)  
v.  
Robert Joseph Williams

The judgment is affirmed. The clerk of the superior court is directed, upon remand: to correct the abstract of judgment to reflect that defendant was convicted by a jury trial rather than plea; to correct the abstract to reflect the imposition of restitution fines pursuant to sections 1202.4, subdivision (b), and 1202.45, in the amount of \$200 each; and to deliver a copy of the amended abstract of judgment to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

DIVISION FIVE (Continued)

B140258 Antonette Niedle

v.

Workers Compensation Appeals Board

Filed order modifying opinion. (No change in the judgment)

B140546 Douglas Williams et al.

(Not for Publication)

v.

Reish & Luftman et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

B144564 Los Angeles County, D.C.F.S.

(Not for Publication)

v.

Teresa M.

In re Angel P.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Willhite, J. (Assigned)

B138427 People

(Not for Publication)

v.

Maurice Gamble

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Willhite, J. (Assigned)

March 15, 2001-Continued

## DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.  
Armstrong, J.

[illegible]

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.  
Armstrong, J.

B143177 People (Not for Publication)  
v.  
Robert Valdez Jr.

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.  
Armstrong, J.

March 15, 2001-Continued

## DIVISION FIVE (Continued)

B142593      People                                  (Not for Publication)  
v.  
Manuel Orense

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.  
Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B141894 Santa Barbara County v. Grayham  
B141915 Dept. of Social Services v. Nicholas A.  
B142262 Dept. of Social Services v. Julie T.

Argument waived, cause submitted.

B143522 Human Services Agency  
v.  
Sergio M. and Desiree M.

Merits:

Counsel stipulates that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Joseph J. Randazzo, assistant county counsel, for respondent. Argument previously waived by appellants. Cause submitted.

DIVISION SIX (Continued)

B142881      Cappello, Foley & Bezek  
                 v.  
                 Agri-Cal, Inc.

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Kim A. Seefeld for appellant and by E. Patrick Morris for respondents. Cause submitted.

B145083      Gunning  
                 v.  
                 Caudill

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Matthew K. Ross for appellant and by John E. Boessenecker for respondent. Cause submitted.

Court recessed at 10:10 A.M.

Court reconvened at 1:30 P.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B141156      People  
                 v.  
                 Coleman

Argument continued to April, 2001.

B141479      People  
                 v.  
                 Magallon

Argument continued to May, 2001.



DIVISION SIX (Continued)

Each of the following:

B135076 People v. Vasquez  
B135757 People v. Jiminez  
B137178 People v. Eubank  
B138135 People v. Thomas  
B141265 People v. Barkus  
B141333 People v. Casanova  
B141571 People v. Lopez  
B141987 People v. Petersen  
B142107 People v. Valdovinos  
B142149 People v. Contreras  
B142265 People v. Bates  
B142564 People v. Eddy  
B142713 People v. Brisbane  
B142875 People v. Velasquez  
B143071 People v. Beck  
B143155 People v. Fyffe  
B143446 People v. Real  
B144138 People v. Acuna  
B144279 People v. Farris

Argument waived, cause submitted.

B135076     People  
                  v.  
                  Vazquez

Merits:

Argument waived; no appearances. In open court Associate Justice Perren disclosed that he issued the search warrant in this matter, which is not an issue on appeal, and concluded that his disqualification is not warranted. Cause submitted.

DIVISION SIX (Continued)

B143797     People  
              v.  
              Gallo

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Walter C. Gordon for appellant via video conference and by Alene L. Games, deputy attorney general, for respondent via video conference. Cause submitted.

B138849     People  
              v.  
              Madriz

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Gerald M. Serlin for appellant and by Roy C. Preminger, deputy attorney general, for respondent via video conference. Cause submitted.

B138771     People  
              v.  
              Escobedo

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Jerry D. Whatley for appellant and by Daniel Rogers, deputy attorney general, for respondent via video conference. Cause submitted.

B140592     People  
              v.  
              Moreno

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Murray A. Rosenberg for appellant via video conference and by Steven Mercer, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B141441     People  
              v.  
              Eduardo R.

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Meghan B. Clark for appellant and by Erika D. Jackson, deputy attorney general, for respondent via video conference. Cause submitted.

B142823     People  
              v.  
              Blume

Merits:

Counsel stipulate that Presiding Justice Gilbert may participate as a panel member in this case. Argued by Wayne C. Tobin for appellant and by Jennifer A. Jadovitz, deputy attorney general, for respondent via video conference. Cause submitted.

B139592     People  
              v.  
              Howe

Merits:

Argued by Leonard J. Klaif for appellant and by Stephen A. McEwen, deputy attorney general, for respondent via video conference. Cause submitted.

Court adjourned at 2:40 P.M.